

LODGED CLERK, U.S. DISTRICT COURT
5/29/2024
CENTRAL DISTRICT OF CALIFORNIA BY: MMC DEPUTY

UNITED STATES DISTRICT COURT

for the
Central District of California

FILED CLERK, U.S. DISTRICT COURT	
5/29/2024	
CENTRAL DISTRICT OF CALIFORNIA	
BY: ts	DEPUTY

United States of America

v.

EMILIO HERRERA, aka "Muerto,"

Defendant

Case No. 2:24-MJ-03140-DUTY

CRIMINAL COMPLAINT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 14, 2023, in the county of Los Angeles in the Central District of California, the defendant violated:

Code Section

18 U.S.C. §§ 1951(a), 924(c)

Offense Description

Interference with Commerce by Robbery; Possess, Use, Carry, and Brandish a Firearm in Furtherance of, and During and in Relation to, a Crime of Violence

This criminal complaint is based on these facts:

Please see attached affidavit. Continued on the attached sheet.*/s/**Complainant's signature*Robert C. McElroy, Special Agent*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: May 29, 2024City and state: Los Angeles, California*Robert C. McElroy, Special Agent**Judge's signature*Hon. Stephanie Christensen, U.S. Magistrate Judge*Printed name and title*AUSA: Jena MacCabe x5046

AFFIDAVIT

I, Robert C. McElroy, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant for EMILIO HERRERA, also known as "Muerto," ("HERRERA") for violating 18 U.S.C. § 1951(a) (Interference with Commerce by Robbery) and § 924(c) (Possess, Use, Carry, and Brandish a Firearm in Furtherance of, and During and in Relation to, a Crime of Violence).

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

II. BACKGROUND OF AFFIANT

3. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and have been so employed since October 2019. I am currently assigned to the Los Angeles Field Division Lancaster Resident Agency, which is responsible for investigating violent crimes, white collar crimes, and crimes

against children in the cities that fall within the Lancaster Resident Agency's area of responsibility.

4. Since becoming an FBI SA, I have received formal training at the FBI Training Academy in Quantico, Virginia. This training included segments on conducting criminal investigations, narcotics identification, organized crime, and other law enforcement topics. During the time I have been employed by the FBI, I have participated in investigations relating to kidnapping, extortion, criminal threats, fugitives, homicide, Hobbs Act robberies, murder-for-hire, and other violent crimes. I have participated in many aspects of criminal investigations, such as, but not limited to, reviewing evidence, the issuance of subpoenas, the analysis of pen and trap and trace records, consensually monitored telephone calls, conducting physical and electronic surveillance, working with informants, and the execution of search and arrest warrants.

III. SUMMARY OF PROBABLE CAUSE

7. The Los Angeles County Sheriff's Department ("LASD") and the FBI have been investigating an armed robbery, in violation of 18 U.S.C. §§ 1951(a) and 924(c). The robbery took place on November 14, 2023. The robbers used an AR-15 style rifle to hold victim employees at gunpoint while the remaining robbers stole approximately \$500,000 worth of jewelry from the store. The robbers used clothing, including ski masks, to conceal their identities and fled in the same vehicle they arrived in. As explained below, there is probable cause to believe that HERRERA is a member of the robbery crew, including

based on the following evidence: the distinct rifle used in the robbery was recovered from HERRERA's home, along with matching clothing worn at the robbery; a pair of distinctive, reflective Nike shoes were found at HERRERA's home, worn at the robbery, and worn at other jewelry store burglaries; HERRERA is seen wearing the same clothing and the same distinctive reflective shoes and carrying the same rifle in a photograph with a co-conspirator wearing a necklace from the robbery; the same co-conspirator whom HERRERA is photographed with took photographs of the jewelry from the robbery, tried to sell the jewelry from the robbery, and was found in the getaway car used in the robbery with a hammer used in the robbery.

IV. STATEMENT OF PROBABLE CAUSE

A. HERRERA and Four Other Suspects Rob a Jewelry Store with an Assault Rifle

8. Based on my review of the LASD report and supplemental reports by LASD Detective Jesus Chamorro, review of a California state search warrant for HERRERA's residence, and communications with LASD, I learned the following:

a. On November 14, 2023, at approximately 6:48 p.m., five males robbed William Jewelers located at 39522 10th Street West, Suite E, City of Palmdale, California ("William Jewelers") (the "**SUBJECT ROBBERY**") .

b. LASD deputies responded to William Jewelers and interviewed witnesses.

c. Victim-employee D.M. stated that D.M. was standing on the northeast corner of the store, at his desk, when

he observed a male adult with a black assault rifle run into the store, followed by others. D.M. stated that the man with the rifle pointed it directly at him. D.M. immediately dropped to his knees under his desk, fearing that he would be shot and killed. D.M. stated that D.M. did not see much of the incident but remembers hearing glass counters being shattered and one of the robbery suspects screaming, "Let's go! Just leave it!" D.M. stood up, and the robbery suspects left the business.

d. Victim-employee M.S. stated that M.S. was standing at the southeast corner of the store, behind his desk, when he observed someone run into the store holding what M.S. believed to be an AR-15 style rifle. The individual was followed by others. M.S. dropped down to a knee and placed his hands in the air. M.S. remembered telling the robbery suspects to "just take it all." M.S. kept his hands up while the robbery suspect with the rifle proceeded behind the store counters and approached M.S. at gunpoint. M.S. had one gold ring with one ruby, two diamonds, and an inlay with his last initial "S"; a gold ring with a black onyx; and one metal two-tone Citizen brand watch on his desk. M.S. told the robbery suspect, "Just take what you can." Fearing being shot and killed, M.S. kept his hands up and did not attempt to stop the robbery suspect as he took the two rings and watch. M.S. observed the robbery suspect with the rifle exit from behind the counters and continue to walk back and forth between the store counters, holding both victim employees at gunpoint. M.S. heard one of the robbery suspects yell, "Let's go! Just leave it!" and then

saw the robbery suspects exit the store. M.S. activated the alarm and went outside to see where the robbery suspects went. M.S. observed the robbery suspects behind a dumpster approximately 50 yards from the entrance of the store. M.S. locked the front door to the store, in fear that they would return.

9. I have reviewed surveillance footage from William Jewelers, and, along with my discussions with LASD deputies who have also reviewed the surveillance footage, I describe the clothing worn by the five robbery suspects as follows:

a. The robbery suspect with the assault style rifle ("Robber 1," later identified as HERRERA) was wearing a black zip-up sweatshirt, a white t-shirt, black pants, a black ski mask, and black shoes with a distinctive reflective design.¹



¹ In addition to what is detailed here, LASD identified commercial burglaries of Domonique Jewelers in Canyon Country, California (on December 7, 2023), Silver Depot in Palmdale, California (on December 15, 2023), and a pawn shop in North Hollywood, California (on September 12, 2023) where the same shoes appear to be seen on surveillance footage. A carjacked (footnote cont'd on next page)

b. The second robbery suspect ("Robber 2") was wearing all black clothing, black gloves, a bandana around the lower portion of his face, and also had a black backpack.

c. The third robbery suspect ("Robber 3") was wearing all black clothing, light colored gloves, a black hat, a bandana covering the lower portion of his face, and a black backpack.

d. The fourth robbery suspect ("Robber 4") was wearing all black clothing, black gloves, a black beanie, and a black mask covering the lower portion of his face.

e. The fifth robbery suspect ("Robber 5") was wearing a black and white wind breaker, black pants, white gloves, a white mask covering the lower portion of his face, and a black backpack.

10. On the surveillance footage from William Jewelers, Robber 1 used the rifle to hold the two victim employees at gunpoint while the other four robbers used hammers, crowbars, and a dumbbell weight to smash the store display cases and steal jewelry.

11. William Jewelers reported the loss of approximately 52 pieces of jewelry worth \$500,000.

12. After the **SUBJECT ROBBERY**, LASD deputies reviewed video surveillance from surrounding businesses and discovered that the robbers utilized a dark blue Honda Accord during the incident. Furthermore, LASD Detective Jeremy Carlisle was able

Jeep was used in the pawn shop burglary and the fingerprint of Joseph Moreno, a co-conspirator discussed further below, was found inside the Jeep.

to obtain unique identifiers from the vehicle including black rims, chrome window trim, traffic collision damage to the driver's side front bumper, and black side window rain guards. LASD Detective Carlisle later identified a vehicle matching the description above in Flock² that was in the area of William Jewelers before and after the **SUBJECT ROBBERY**. The vehicle was identified as a 2003 blue Honda Accord bearing California license plate number 7AAV468 (the "Robbery Vehicle").

B. HERRERA Is Identified After a Gang Associate's Arrest for a Separate Robbery

13. On January 5, 2024, at approximately 9:59 p.m., an armed robbery occurred at the Xotic AV Smoke Shop located at 612 West Avenue J, Lancaster, California 93534 (the "Xotic AV Smoke Shop"). Three defendants, not including HERRERA, have been federally charged with that armed robbery in United States v. Vargas, et al., Case No. 24-CR-116-GW (C.D. Cal.).

14. Based on my review of LASD reports and communications with LASD, I learned the following:

a. On January 10, 2024, LASD was surveilling the suspected getaway vehicle from the robbery of the Xotic AV Smoke Shop. While conducting surveillance, LASD deputies observed the Robbery Vehicle from the **SUBJECT ROBBERY** park behind the getaway vehicle from the Xotic AV Smoke Shop robbery. The driver of the vehicle remained in the vehicle, and a passenger from the

² Flock is private company who has deployed approximately 30 cameras in Palmdale and Lancaster. The cameras have automated license plate reader capabilities and takes pictures of all cars passing through the intersection they are servicing. Law enforcement can search by a variety of parameters including license plate numbers, date and time, and service area.

apartment complex entered the passenger seat of the vehicle.

When the occupants drove away, LASD executed a traffic stop.

b. During that traffic stop, Joseph Aguirre ("Aguirre"), the driver, and Joseph Moreno ("Moreno"), sitting in the passenger seat, were arrested for possession of a loaded firearm in a vehicle. The firearm located in the vehicle was a black colored AR-15 .22 caliber rifle. The rifle did not match the description of the rifle used in either the **SUBJECT ROBBERY** or the Xotic AV Smoke Shop robbery. Additionally, Aguirre's and Moreno's phones were booked into LASD custody.

c. On January 24, 2024, LASD Detective Chamorro obtained a search warrant to extract and review Moreno's phone. The warrant was signed by the Honorable Judge Scott Yang of the Los Angeles Superior Court and executed on February 1, 2024.

d. During LASD Detective Chamorro's review of Moreno's phone, he discovered a photograph of four males using their hands to symbolize the letters "VB."³ In the photograph, the male on the far left had an AR-15 style rifle and was wearing the same clothing as Robber 1 from the **SUBJECT ROBBERY**. Furthermore, the AR-15 resembled the rifle used in the **SUBJECT ROBBERY** because of the makeshift sling on the rifle.⁴ The rifle used in the **SUBJECT ROBBERY**, however, had some type of white fabric wrapped around the rear stock of the rifle. The rifle in

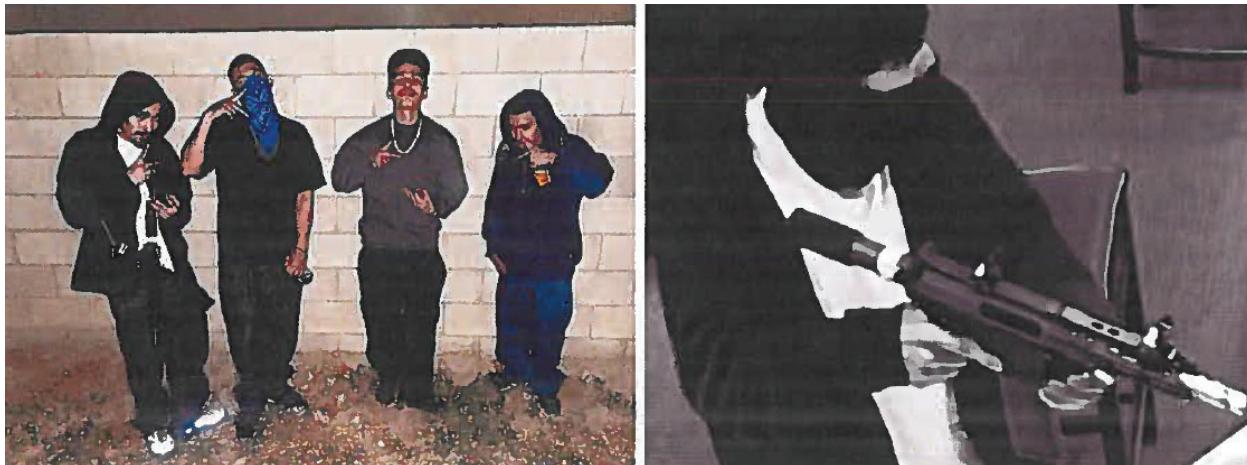
³ Based on my training and experience, I know that the letters "VB" represent the criminal street gang "Vineland Boys" based out of Sun Valley, California.

⁴ Based on my training and experience, I know that rifles have sling attachments to conveniently attach and detach slings as needed to carry a rifle.

the photograph had the same white fabric on the rear stock of the rifle.

e. Additionally, the male on the left was wearing shoes that appeared to reflect light from the flash of a photograph being taken at night. The reflections on the shoes matched the design of the shoes worn by Robber 1 in the **SUBJECT ROBBERY**.

f. That photograph from Moreno's phone is below with a comparison to the **SUBJECT ROBBERY** surveillance footage:



g. LASD identified the individual third from the left as Moreno. In that photograph, and other photographs from Moreno's phone, Moreno is wearing a necklace that was identified as being stolen from William Jewelers during the **SUBJECT ROBBERY**.

h. In approximately early February 2024, LASD Detective Chamorro contacted Los Angeles Police Department ("LAPD") Officer III Kenneth Morales, who worked for the Foothill Gang Enforcement Team and was very familiar with the

Vineland Boys gang. LAPD Officer Morales identified the individual on the left as HERRERA and confirmed that he was an active member of the Vineland Boys gang and was known by his street name, "Muerto" (meaning death). LAPD Officer Morales had contacted HERRERA numerous times while on routine patrol.

C. LASD Finds the Rifle, Clothing, and Stolen Jewelry from the SUBJECT ROBBERY in HERRERA's Residence

15. Based on my review of reports by LASD Detective Chamorro, review of a California state search warrant for HERRERA's residence, and communications with LASD, I learned the following:

a. On February 28, 2024, LASD arrested HERRERA and searched his residence located on East Caperton Street in Lancaster, California, pursuant to a search warrant. The search warrant was signed by the Honorable Judge Scott Yang of the Los Angeles Superior Court.

b. LASD seized a black with silver barrel AR-15 rifle from inside a laundry hamper basket in a bedroom shared by HERRERA and his brother. LASD Detective Chamorro observed that the rifle was the same rifle used in the **SUBJECT ROBBERY** and the photograph from Moreno's phone based on the following: the barrel and color design matched, the color of the receiver matched, and the buttstock matched. The only item not on the rifle at the time of seizure was the makeshift white body sling.

c. LASD also seized a black .223 caliber magazine from a backpack that was on top of the laundry basket. The magazine matched the magazine seen in surveillance footage of

the **SUBJECT ROBBERY**. The magazine was loaded with five live rounds.

d. LASD seized a black pair of Nike Air Max 95 shoes with reflective detail matching the shoes from the **SUBJECT ROBBERY**. LASD Detective Chamorro utilized a flashlight to illuminate the shoes and observed that the reflective detail matched the shoes from the photograph on Moreno's phone as well. The pair of shoes was a U.S. size 10. HERRERA's brother, who was not under arrest, advised LASD deputies that he wore a U.S. size 12 shoe. During an interview conducted after HERRERA's arrest, and after being Mirandized, HERRERA advised LASD Detective Chamorro and myself that he wore a U.S. size 10 shoe.

e. LASD recovered a black zip-up sweater, a pair of black Levi jeans, and a black ski mask, all of which matched the clothing worn by Robber 1.

f. LASD also recovered jewelry, including two Citizen brand watches with unique markings that matched the watches that were reported stolen during the **SUBJECT ROBBERY**.

D. William Jewelers Operates in and Affects Interstate Commerce

16. On May 28, 2024, I spoke to M.H., the owner of William Jewelers, who told me that the store sells jewelry products that are manufactured outside of California. The store also accepts credit card transactions.

V. CONCLUSION

17. For all the reasons described above, there is probable cause to believe that HERRERA has violated 18 U.S.C. § 1951(a)

(Interference with Commerce by Robbery) and § 924(c) (Possess, Use, Carry, and Brandish a Firearm in Furtherance of, and During and in Relation to, a Crime of Violence) as described above for the **SUBJECT ROBBERY**.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 29th day of May, 2024.


HON. STEPHANIE S. CHRISTENSEN
UNITED STATES MAGISTRATE JUDGE